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SUBJECT: REPORT ON SECOND WEEK OF NPT PREPCOM III, MAY 9-15

REF: A. STATE 044744

1B. STATE 052964

Classified By: VCI A/S Rose Gottemoeller, for reasons 1.4 (b) and (d)

11. (SBU) SUMMARY. Week Two continued discussions on peaceful uses of nuclear energy and Withdrawal. A highlight of Week Two was states parties review, consultations, and discussions by delegations of the Chairman's draft set of recommendations to the 2010 Review Conference (RevCon). There was very little of the rancor that has tarnished recent NPT meetings. The PrepCom ended on May 15 with agreement on key procedural matters, but not on the set of recommendations. The U.S. delegation achieved its primary goal of strengthening the NPT and advancing the President's nonproliferation and disarmament agenda. The delegation was able to help gain consensus on key procedural arrangements; frame the President's Prague speech within the NPT context; and reach consensus with other members of the P-5 on a statement that reflects U.S. policy. The PrepCom's inability to reach agreement on a set of recommendations to the RevCon is disappointing but not surprising. The Chairman's initial and revised drafts were seen by many delegations as generally acceptable, but ultimately Parties were not able to reach consensus on a text that many saw as too broad and detailed in the current environment. In particular, the NAM, France and China stuck to their concerns about specific words and phrases that they feared would constrain their options regarding RevCon final document language. End Summary

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Cluster Three: Peaceful Uses of Nuclear Energy  
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12. (SBU) The majority of statements delivered in this session affirmed the right of all states to develop nuclear energy for peaceful uses, while also stressing the need for responsible management of nuclear energy, including efforts to prevent proliferation. The NAM and developing countries (joined by Switzerland) emphasized their &inalienable right8 to develop all phases of the nuclear fuel cycle and protested what they view as unjust imposition of non-treaty requirements and restrictions on access to nuclear energy. Switzerland concluded that it &did not envisage supporting proposals that would have the effect of strengthening the monopoly of those States in possession of sensitive nuclear technologies, or proposals that aim in principle to restrict the inalienable rights stipulated in Article IV of the NPT.<sup>8</sup>

Many delegations commented on the apparent nuclear &renaissance8 and the role and responsibilities of the International Atomic Energy Administration (IAEA) in managing cooperation and safeguards. However, Indonesia and Cuba expressed concern about the IAEA being undermined by attempts to bring political considerations into its operations.

¶3. (SBU) Egypt presented an impassioned statement on the right of all Parties to nuclear energy, which &exists with or without a treaty, as does the right to use fossil fuels or solar energy, even though no treaty has granted either of them.<sup>8</sup> Countries which rarely speak up at the PrepCom ) e.g., Namibia and Nigeria ) took the floor to talk about their urgent need for technical assistance from the IAEA to develop nuclear energy. Zimbabwe asked for recognition of the constraints non-nuclear-weapons states face in achieving peaceful use of nuclear energy and in retaining skilled knowledge within their borders. It asked for assured and predictable funding to support Article IV. Zimbabwe also warned states to &guard against the use of technology that runs counter to the purposes of the NPT.<sup>8</sup> Iran had the longest intervention, listing previously-delivered complaints about the &illegality<sup>8</sup> of United Nations Security Council interference in NPT matters and claims for compensation for the cost of that interference.

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Cluster Special Session: Withdrawal  
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¶4. (SBU) Several delegations called for attention at the 2010 RevCon to withdrawal issues, including consideration of measures on how to dissuade Treaty violators from withdrawing

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from the treaty and how to respond once they do withdraw. All acknowledged the sovereign right of Parties to withdraw from the Treaty. They differed, however, in their interpretations of the obligations that follow Parties that choose to withdraw. They also differed on the amount of emphasis that should be placed on the issue of withdrawal compared to other issues, such as balanced focus on the three pillars of the Treaty. Australia referred specifically to the Vienna Convention on the Law of Treaties to support the argument that a withdrawing State still bears responsibilities for violations that occurred while it is Party to the Treaty. Others, such as Indonesia and Cuba, argued that focusing on withdrawal was a distraction from the purpose of the NPT review process ) to review the operation of the Treaty to assure that the preamble and provisions of the Treaty are being realized.

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The P-5 Press Statement  
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¶5. (C) Several meetings were held among the P-5 members to discuss potential wording and modalities of a P-5 Press Statement. The original draft, circulated by France before the PrepCom, was viewed by other P-5 members as too lengthy and detailed. The United States offered a new draft at the beginning of week two that became the basis for the agreed version.

¶6. (C) China sought to remove a reference to promoting entry-into-force of CTBT and negotiating an FMCT, citing changes in its national policies. After some pressure from Russia,s head of delegation, Anatoly Antonov, China,s Ambassador Wang Qun eventually accepted language welcoming those aims. China also sought to tone down language supporting international fuel banks. China and Russia jointly sought to remove references to safeguards non-compliance by Iran and North Korea, but approved substitute language seeking full compliance to safeguard obligations by all states. Russia requested changing the wording advocating expansion of peaceful uses of &nuclear technology<sup>8</sup> to &nuclear energy.<sup>8</sup> France was troubled by the lack of specific references to Iran and North Korea but in the end accepted compromise language.

¶7. (C) The P-5 achieved consensus on the press statement on Thursday, May 14, but held delivery until Friday afternoon,

at the request of the Russian delegation ) pending final resolution of the Chairman,s proposed Final Document of the PrepCom.

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The Chairman,s Draft Recommendations Document  
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¶18. (SBU) The second week was dominated by discussion and review of the Chairman,s draft set of PrepCom recommendations to the Review Conference in 2010. The United States Delegation, after consulting with Washington, had a number of difficulties with the Chairman,s initial draft, viewing it as far too detailed for the PrepCom to consider, and too inclusive of elements more appropriately left to the Review Conference. Moreover, the U.S. was in the position of being unable to take positions on some of the elements in the draft because it had not completed the Nuclear Posture Review and Quadrennial Defense Review. At the Western European and Others Group (or WEOG, an informal UN voting bloc) meeting, the U.S. proposed a shorter and more broadly-worded set of recommendations. Most responses were not supportive of this approach, preferring instead that delegations try first to build consensus on the Chairman,s draft and consider the U.S. proposal as a fallback position.

¶19. (C) The UK said it would require only minimal changes in wording to reach consensus. France required considerably more changes, and was especially concerned about the lack of emphasis on Iranian non-compliance and on the Additional Protocol. It also expressed concern about the lack of balance in the draft among the three pillars of the NPT.

¶10. (SBU) Among the P-5, Russia emerged as a strong supporter of the U.S. position and rejected the &take it or leave it&8 stance of the Chairman regarding the draft recommendations. Russia stated its philosophical difficulties with the document, focused mainly on the imbalance described by France, especially the inadequate focus on nonproliferation,

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as well as the obligation of all states ) not just the P-5 - to facilitate conflict resolution and create conditions for nuclear disarmament in the Middle East and elsewhere. China acknowledged that the NPT review process often pitted NWS versus NNWS, asking pointedly during the P-5 discussion of the document why the P-5 did not have a unified approach. The United States and other members of the P-5 were keen to avoid the any perception that they were obstructing progress towards a final set of recommendations.

¶11. (SBU) During a lunch May 11 hosted by the Netherlands as a follow-up to its NPT conference held earlier in 2009, Chairman Chidyausiku said the PrepCom needed to agree to a final document to guide the RevCon. Brazil, supported by Germany and Norway, argued that the PrepCom should not negotiate the Chairman,s text line-by-line. Norway also pointed out that some elements (e.g., CTBT, FMCT, MENWFZ) were beyond the ability of NPT delegations to resolve, but that issues like withdrawal and institutional aspects of the review process were clearly within their remit. Ukraine commented that the U.S. opening statement improved the atmosphere of the PrepCom significantly but called into question why three PrepComs are needed as part of the NPT review process. China supported seeking consensus on a final document, but also argued that consensus was not necessary for a successful RevCon. Egypt challenged Norway, arguing that it is essential that Parties address Israel,s non-NPT status, but that the withdrawal issue was sufficiently addressed by the Vienna Law of Treaties. Indonesia put forward the view that the Chairman,s final document could be general in nature, but balanced.

¶12. (C) While other delegations indicated their ability to live with either the Chairman,s initial or revised drafts, fissures within both the WEOG and the NAM demonstrated that a

final document was unlikely. Importantly, the NAM as a whole, and Egypt, Cuba, and Iran individually, stated that consensus was impossible, but pulled back slightly from this position after a U.S. intervention urging the Chairman to continue his efforts to reach consensus. Finally, on Friday, France and the NAM clashed openly about the binding nature of the document, and about other aspects of the wording, with China requesting a further word change. The Chairman took the floor to note the ongoing difficulties over &small words<sup>8</sup> and the lack of time remaining to the PrepCom to discuss. He announced his conclusion that consensus on a final document was impossible. The United States expressed regret that the Parties did not agree on draft recommendations but a desire to rejoin such discussions at the 2010 RevCon.

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Closing and Wrap-up of the PrepCom  
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**¶13.** (U) The EU submitted two documents late in the conference. The first, on &Regional Issues and Implementation of the 1995 Middle East Resolution,<sup>8</sup> stated that the EU would organize a seminar on Middle East Security, WMD non-proliferation and disarmament that would be open to the region and to P-5 states. The EU also stated that it supported a proposed Russian seminar on implementing the 1995 Middle East Resolution. The second EU document was on the FMCT, promoting negotiation of a verifiable instrument.

**¶14.** (U) Delegations agreed that the Third PrepCom Chair will open the Review Conference, and that NGO participation will be allowed to continue, consistent with past practice. They negotiated and agreed upon compromise language on the issue of background documentation, and agreed upon a draft decision on the allocation of items to the Main Committees at the Review Conference. Delegations also agreed that the form of the 2010 Review Conference Final Document would be decided next year. Finally, they approved the final PrepCom Report, which gave a factual overview of the conference's work and the decisions agreed by the Parties for the RevCon (rules and procedures, agenda, president ) see Ref B).

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Side-Events and Miscellany  
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**¶15.** (SBU) P-5 Conference on Confidence Building Measures to Support Nuclear Disarmament. The UK hosted a P-5 breakfast to discuss its proposal to hold a conference on confidence-building measures regarding nuclear disarmament in

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September 2009. The UK tried to draw out comments from Russian and Chinese representatives on their proposal and described the conference as having three objectives: (1) to demonstrate that the P-5 is getting together to discuss disarmament; (2) to discuss technical issues on disarmament, mindful of the difficulties; and (3) to hold political discussions to understand better national positions among the P-5. The United States affirmed support for the conference, and offered views on the UK's proposed final statement. The French were generally positive and had three recommendations: (1) informally discuss FMCT verification; (2) include &nonproliferation<sup>8</sup> in the title and substance of the conference; and (3) pay particular attention to strategic communication about the conference and its outcome. Russia described CBMs and disarmament as inherently incompatible, while China said it would await guidance from Beijing.

**¶16.** (U) Nuclear Posture Review Presentation. A joint U.S. State Department-DoD delegation provided interested parties with an overview briefing on the U.S. Nuclear Posture Review. Approximately 60 people attended, with the overwhelming majority from non-governmental organizations (NGO). Overall the reaction was positive. The briefing provided an overview

of the substance of the NPR and a range of specific process-related issues. Australian and Russian representatives approached the briefers after the presentation and expressed interest in further information on the NPR scope and process. NGOs used the question-and-answer period to provide comments and recommendations, rather than pose questions, and requested information on how NGOs and other stakeholders could provide formal comments, recommendations, and input to the NPR process.

**¶17. (SBU) Lunch for RevCon President Libran Cabactulan:**  
Ambassador Ragsdale attended a lunch hosted by the Philippines in honor of the 2010 NPT RevCon President Libran Cabactulan. The Philippines revealed that Iran had approached members of their government last January, insisting that the focus of the RevCon should be on nuclear disarmament and that there should be no mention of Iran in the final document. Russia stated cautious support for the Iranian position, but the United States reminded the group of UN Security Council resolutions related to Iran and emphasized that it was too early to discuss such a commitment. The P-5 expressed general support for a final document that balanced emphasis on the three pillars. Cabactulan pledged transparency, balance, and consultations in his role as President.

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